

1999 DRAFTING REQUEST**Bill**Received: **02/19/99**Received By: **kunkemd**Wanted: **As time permits**

Identical to LRB:

For: **Steven Foti (608) 266-2401**By/Representing: **Mike H.**This file may be shown to any legislator: **NO**Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Trade Regulation**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Electronic email advertisements; warnings to minors

Instructions:

See California law: require "spam" senders to identify email as advertisement, provide info on how to respond and how to avoid future ads, and warn minors about adult content

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	kunkemd 03/24/99	jgeller 03/24/99	jfrantze 03/25/99	_____	lrb_docadmin 03/25/99		
	kunkemd 04/8/99	jgeller 04/8/99		_____			
/1	kunkemd 04/9/99	jgeller 04/9/99	haugeca 04/9/99	_____	lrb_docadmin 04/9/99		
/2			martykr 04/12/99	_____	lrb_docadmin 04/12/99	lrb_docadmin 04/30/99	

FE Sent For:

Not
Needed

<END>

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	kunkemd 04/8/99	jgeller 04/8/99		_____			
/1		1/2 4/9 jlg	haugeca 04/9/99	_____	lrb_docadmin 04/9/99		
			4/12	JA 4/12			

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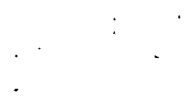
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/P1	kunkemd 03/24/99	ygeller 03/24/99	jfrantze 03/25/99	_____	lrb_docadmin 03/25/99		

Handwritten notes:
 /P1 34/8 jg ch
 4-9 JF 4-9

FE Sent For:

<END>



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/?	kunkemd	PI 3/24 jg	6/25	3/25			

FE Sent For:

<END>

Mark -

Per our conversation,
here is the California
version of anti-internet ads.

I will look further at the
other SPAM bills from CA.

Thanks for your
help.

Michael
(6-240)
Foti Ofria

SEPTEMBER 28, 1998
6, 1998
1998
8
8
98
98
98

mpbell, Kuehl, Leach,
O'Connell, Solis,

Business and Professions

ic mail.
ing business in this state
al, unless certain

to include the
electronic mail (e-mail),

This bill would become inoperative if federal law on this subject is enacted.

Existing law provides for the regulation of advertising and provides that a violation of those provisions is a crime. This bill, by creating additional prohibitions with regard to advertising, would expand the scope of an existing crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 17538.4 of the Business and Professions Code is amended to read:

17538.4. (a) No person or entity conducting business in this state shall facsimile (fax) or cause to be faxed, or electronically mail (e-mail) or cause to be e-mailed, documents consisting of unsolicited advertising material for the lease, sale, rental, gift offer, or other disposition of any realty, goods, services, or extension of credit unless:

(1) In the case of a fax, that person or entity establishes a

toll-free telephone number that a recipient of the unsolicited faxed documents may call to notify the sender not to fax the recipient any further unsolicited documents.

(2) In the case of e-mail, that person or entity establishes a toll-free telephone number or valid sender operated return e-mail address that the recipient of the unsolicited documents may call or e-mail to notify the sender not to e-mail any further unsolicited documents.

(b) All unsolicited faxed or e-mailed documents subject to this section shall include a statement informing the recipient of the toll-free telephone number that the recipient may call, or a valid return address to which the recipient may write or e-mail, as the case may be, notifying the sender not to fax or e-mail the recipient any further unsolicited documents to the fax number, or numbers, or e-mail address, or addresses, specified by the recipient.

In the case of faxed material, the statement shall be in at least nine-point type. In the case of e-mail, the statement shall be the first text in the body of the message and shall be of the same size as the majority of the text of the message.

(c) Upon notification by a recipient of his or her request not to receive any further unsolicited faxed or e-mailed documents, no person or entity conducting business in this state shall fax or cause to be faxed or e-mail or cause to be e-mailed any unsolicited documents to that recipient.

✓
- sep. provision

(d) In the case of e-mail, this section shall apply when the unsolicited e-mailed documents are delivered to a California resident via an electronic mail service provider's service or equipment located in this state. For these purposes "electronic mail service provider" means any business or organization qualified to do business in this state that provides individuals, corporations, or other entities the ability to send or receive electronic mail through equipment located in this state and that is an intermediary in sending or receiving electronic mail.

(e) As used in this section, "unsolicited e-mailed documents" means any e-mailed document or documents consisting of advertising material for the lease, sale, rental, gift offer, or other disposition of any realty, goods, services, or extension of credit that meet both of the following requirements:

(1) The documents are addressed to a recipient with whom the initiator does not have an existing business or personal relationship.

(2) The documents are not sent at the request of, or with the express consent of, the recipient.

(f) As used in this section, "fax" or "cause to be faxed" or "e-mail" or "cause to be e-mailed" does not include or refer to the transmission of any documents by a telecommunications utility or Internet service provider to the extent that the telecommunications utility or Internet service provider merely carries that transmission over its network.

(g) In the case of e-mail that consists of unsolicited advertising material for the lease, sale, rental, gift offer, or other disposition of any realty, goods, services, or extension of credit, the subject line of each and every message shall include "ADV:" as the first four characters. If these messages contain information that consists of unsolicited advertising material for the lease, sale, rental, gift offer, or other disposition of any realty, goods, services, or extension of credit, that may only be viewed, purchased, rented, leased, or held in possession by an individual 18 years of age and older, the subject line of each and every message shall include "ADV:ADLT" as the first eight characters.

- indicate with subject

+

(h) An employer who is the registered owner of more than one e-mail address may notify the person or entity conducting business in this state e-mailing or causing to be e-mailed, documents consisting of unsolicited advertising material for the lease, sale, rental,

gift offer, or other disposition of any realty, goods, services, or extension of credit of the desire to cease e-mailing on behalf of all of the employees who may use employer-provided and employer-controlled e-mail addresses.

(i) This section, or any part of this section, shall become inoperative on and after the date that federal law is enacted that prohibits or otherwise regulates the transmission of unsolicited advertising by electronic mail (e-mail).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.





State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2290/P1

MDK:.....

JLg

D-NOTE

by Friday if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

if not possible, call me so I can talk to the requester.

gen cat

1 AN ACT ...; relating to: electronic mail solicitations.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be prepared for a subsequent version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 134.72 (title) of the statutes is repealed and recreated to read:

3 134.72 (title) Telephone, facsimile and electronic mail solicitations.

4 SECTION 2. 134.72 (1) (a) of the statutes is renumbered 134.72 (1) (am).

5 SECTION 3. 134.72 (1) (ae) of the statutes is created to read:

6 134.72 (1) (ae) "Electronic mail solicitation" means an unsolicited electronic
7 mail message that is sent for the purpose of encouraging a person to purchase
8 property, goods or services.

9 SECTION 4. 134.72 (2) (c) of the statutes is created to read:

1 134.72 (2) (c) [✓]*Electronic mail solicitations.* 1. No person may make an
2 electronic mail solicitation unless the person does all of the following:

3 a. Indicates in the subject of the electronic mail message that the message is
4 an electronic mail solicitation.

5 b. Establishes and maintains a toll-free telephone number or return electronic
6 mail address that allows the recipient of the electronic mail solicitation to direct the
7 person not to make any other electronic mail solicitation to the recipient.

8 c. Includes a statement at the beginning of the electronic mail solicitation that
9 identifies the toll-free telephone number or return electronic mail address specified
10 in subd. 1. b. [✓] and that notifies the recipient that the recipient may use the toll-free
11 telephone number or return electronic mail address to direct the person not to make
12 any other electronic mail solicitation to the recipient. A statement required under
13 this subd. 1. c. [✓] shall be displayed in the same font size as the majority of the text in
14 the electronic mail solicitation.

15 d. If the electronic mail solicitation is sent for the purpose of encouraging a
16 person to purchase property, goods or services that may not be purchased by or sold
17 or provided to a minor, indicates in the subject of the electronic mail message that
18 the electronic mail solicitation is not intended for minors.

19 2. A person may not make an electronic mail solicitation to a recipient of a prior
20 electronic mail solicitation made by the person if the recipient uses the toll-free
21 telephone number or return electronic mail address specified in subd. [✓]1. b. to direct
22 the person not to make any other electronic mail solicitation to the recipient.

23 3. A person may not make an electronic mail solicitation to an electronic mail
24 address that an employer provides for an employe [✓] if the employer uses the toll-free

1 telephone number or return electronic mail address specified in subd. 1. b. to direct
2 the person not to make the electronic mail solicitation.

3 SECTION 5. 134.72 (3) (a) of the statutes is amended to read:

4 134.72 (3) (a) *Intrastate*. This section applies to any intrastate telephone
5 ~~solicitation or intrastate, facsimile or electronic mail~~ solicitation.

History: 1977 c. 301; 1989 a. 336; 1995 a. 351; 1997 a. 27.

6 SECTION 6. 134.72 (3) (b) of the statutes is amended to read:

7 134.72 (3) (b) *Interstate*. This section applies to any interstate telephone
8 ~~solicitation, or interstate, facsimile or electronic mail~~ solicitation, received by a
9 person in this state.

History: 1977 c. 301; 1989 a. 336; 1995 a. 351; 1997 a. 27.

10

SECTION 7. 767.265 (2r) of the statutes is amended to read:

as affected by 1997 Wisconsin Act 191, SECTION 414,

11 767.265 (2r) Upon entry of each order for child support, maintenance, family
12 support or support by a spouse and upon approval of each stipulation for child
13 support, unless the court finds that income withholding is likely to cause the payer
14 irreparable harm or unless s. 767.267 applies, the court, family court commissioner
15 or county child support agency under s. 59.53 (5) shall provide notice of the
16 assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1) (a)
17 (am), or other electronic means to the last-known address of the person from whom
18 the payer receives or will receive money. The notice shall provide that the amount
19 withheld may not exceed the maximum amount that is subject to garnishment under
20 15 USC 1673 (b) (2). If the department or its designee, whichever is appropriate, does
21 not receive the money from the person notified, the court, family court commissioner
22 or county child support agency under s. 59.53 (5) shall provide notice of the
23 assignment to any other person from whom the payer receives or will receive money.

1 Notice under this subsection may be a notice of the court, a copy of the executed
2 assignment or a copy of that part of the court order directing payment.

NOTE: NOTE: Sub. (2r) is shown as repealed and recreated eff. 1-4-99 by 1997 Wis. Act 191. Prior to 1-4-99 it reads:NOTE:

(2r) Upon entry of each order for child support, maintenance, family support or support by a spouse and upon approval of each stipulation for child support, unless the court finds that income withholding is likely to cause the payer irreparable harm or unless s. 767.267 applies, the court shall provide notice of the assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1) (a), or other electronic means to the last-known address of the person from whom the payer receives or will receive money. The notice shall provide that the amount withheld may not exceed the maximum amount that is subject to garnishment under 15 USC 1673 (b). (2). If the clerk of court or support collection designee, whichever is appropriate, does not receive the money from the person notified, the court shall provide notice of the assignment to any other person from whom the payer receives or will receive money. Notice under this subsection may be a notice of the court, a copy of the executed assignment or a copy of that part of the court order directing payment.

History: 1971 c. 110, 1975 c. 94 s. 91 (3), 1975 c. 199, 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196, 221, Stats. 1979 s. 767.265, 1981 c. 20, 186; 1983 a. 27, 384, 1985 a. 29, 1987 a. 38 s. 136, 1987 a. 332 s. 64; 1987 a. 398, 403; 1989 a. 31, 56, 212, 336; 1991 a. 287; 1993 a. 16, 326, 389, 481; 1995 a. 27 s. 9130 (4); 1995 a. 279, 404; 1997 a. 27, 191

10 SECTION 8. 968.01 (1) of the statutes is amended to read:

11 968.01 (1) "Facsimile machine" has the meaning given in s. 134.72 (1) (a) (am).

History: 1989 a. 336, 1995 a. 351.

(END)

D-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2290/P1dn

MDK:.....

↑
JL

Representative Foti:

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. The California law on which this draft is based requires a person to use the letters, "ADV" in a subject line of an electronic mail message to indicate that it is a solicitation. This draft requires instead that a message indicate in the subject that it is a solicitation, but does not specify the use of the letters "ADV". Thus, under this draft, a sender has greater flexibility with respect to how the sender indicates that a message is a solicitation. The draft also uses a more flexible approach in indicating that certain messages are not intended for minors. Is the draft okay, or do you want to follow the more specific approach under the California law?

2. Like LRB-2289/1, a person who violates this bill is subject to a forfeiture of up to \$500 under ~~www~~ s. 134.72 (4), stats. In addition, under s. 134.95 (2), stats., a person who violates the bill is subject to a supplemental forfeiture of up to \$10,000 if the recipient of the electronic mail solicitation is an elderly or disabled person and certain other factors are present. Are these penalties okay, or do you want something different?

3. Please be aware that this draft raises the same issues regarding interstate commerce that are discussed in my drafter's note, LRB-2289/1dn.

If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: Mark.Kunkel@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2290/P1dn
MDK:jl:gjf

March 25, 1999

Representative Foti:

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If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: Mark.Kunkel@legis.state.wi.us

By
Tuesday
AM

1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RM
NOT
AMN

INSLAT
A
Regen

1 AN ACT *to renumber* 134.72 (1) (a); *to amend* 134.72 (3) (a), 134.72 (3) (b),
2 767.265 (2r) and 968.01 (1); *to repeal and recreate* 134.72 (title); and *to*
3 *create* 134.72 (1) (ae) and 134.72 (2) (c) of the statutes; **relating to:** electronic
4 mail solicitations.

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This is a preliminary draft. An analysis will be prepared for a subsequent version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 5 SECTION 1. 134.72 (title) of the statutes is repealed and recreated to read:
- 6 134.72 (title) **Telephone, facsimile and electronic mail solicitations.**
- 7 SECTION 2. 134.72 (1) (a) of the statutes is renumbered 134.72 (1) (am).
- 8 SECTION 3. 134.72 (1) (ae) of the statutes is created to read:

INSERT 2-7 ✓

1 134.72 (1) (ae) "Electronic mail solicitation" means an unsolicited electronic
2 mail message that is sent for the purpose of encouraging a person to purchase
3 property, goods or services.

4 SECTION 4. 134.72 (2) (c) of the statutes is created to read:

5 134.72 (2) (c) *Electronic mail solicitations.* 1. No person may make an
6 electronic mail solicitation unless the person does all of the following:

7 ~~a. Indicates in the subject of the electronic mail message that the message is~~
8 ~~an electronic mail solicitation.~~

9 b. Establishes and maintains a toll-free telephone number or return electronic
10 mail address that allows the recipient of the electronic mail solicitation to direct the
11 person not to make any other electronic mail solicitation to the recipient.

12 c. Includes a statement at the beginning of the electronic mail solicitation that
13 identifies the toll-free telephone number or return electronic mail address specified
14 in subd. 1. b. and that notifies the recipient that the recipient may use the toll-free
15 telephone number or return electronic mail address to direct the person not to make
16 any other electronic mail solicitation to the recipient. A statement required under
17 this subd. 1. c. shall be displayed in the same font size as the majority of the text in
18 the electronic mail solicitation.

19 d. If the electronic mail solicitation is sent for the purpose of encouraging a
20 person to purchase property, goods or services that may not be purchased by or sold
21 or provided to a minor, indicates in the subject of the electronic mail message that
22 the electronic mail solicitation is not intended for minors.

23 2. A person may not make an electronic mail solicitation to a recipient of a prior
24 electronic mail solicitation made by the person if the recipient uses the toll-free

1 telephone number or return electronic mail address specified in subd. 1. b. to direct
2 the person not to make any other electronic mail solicitation to the recipient.

3 3. A person may not make an electronic mail solicitation to an electronic mail
4 address that an employer provides for an employe if the employer uses the toll-free
5 telephone number or return electronic mail address specified in subd. 1. b. to direct
6 the person not to make the electronic mail solicitation.

7 **SECTION 5.** 134.72 (3) (a) of the statutes is amended to read:

8 134.72 (3) (a) *Intrastate.* This section applies to any intrastate telephone
9 ~~solicitation or intrastate, facsimile~~ or electronic mail solicitation.

10 **SECTION 6.** 134.72 (3) (b) of the statutes is amended to read:

11 134.72 (3) (b) *Interstate.* This section applies to any interstate telephone
12 ~~solicitation, or interstate, facsimile~~ or electronic mail solicitation, received by a
13 person in this state.

14 **SECTION 7.** 767.265 (2r) of the statutes, as affected by 1997 Wisconsin Act 191,
15 section 414, is amended to read:

16 767.265 (2r) Upon entry of each order for child support, maintenance, family
17 support or support by a spouse and upon approval of each stipulation for child
18 support, unless the court finds that income withholding is likely to cause the payer
19 irreparable harm or unless s. 767.267 applies, the court, family court commissioner
20 or county child support agency under s. 59.53 (5) shall provide notice of the
21 assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1) ~~(a)~~
22 (am), or other electronic means to the last-known address of the person from whom
23 the payer receives or will receive money. The notice shall provide that the amount
24 withheld may not exceed the maximum amount that is subject to garnishment under
25 15 USC 1673 (b) (2). If the department or its designee, whichever is appropriate, does

1 not receive the money from the person notified, the court, family court commissioner
2 or county child support agency under s. 59.53 (5) shall provide notice of the
3 assignment to any other person from whom the payer receives or will receive money.
4 Notice under this subsection may be a notice of the court, a copy of the executed
5 assignment or a copy of that part of the court order directing payment.

6 **SECTION 8.** 968.01 (1) of the statutes is amended to read:

7 968.01 (1) “Facsimile machine” has the meaning given in s. 134.72 (1) ~~(a)~~ (am).

8 (END)

1

INSERT A:

This bill imposes certain requirements on “electronic mail solicitations”, which are defined as unsolicited electronic mail messages that are sent for the purpose of encouraging the purchase of property, goods or services. Under the bill, a person may not make an electronic mail solicitation unless the person includes the letters “ADV” at the beginning of the message’s subject. The subject must also indicate that the electronic mail solicitation is not intended for minors if its purpose is to encourage the purchase of property, goods or services that may not be purchased by or provided to minors. In addition, an electronic mail solicitation must include a statement at the beginning of the message that identifies a toll-free telephone number or return electronic mail address that the recipient may use to direct the sender not to make any other electronic mail solicitations. An employer may also use the telephone number or address to direct a person not to make electronic mail solicitations to electronic mail addresses that the employer provides for employees. If a recipient or employer makes such a direction, the bill prohibits a person from making other electronic mail solicitations.

2

INSERT 2-7:

3

a. Includes the letters “ADV” at the beginning of the subject of the electronic

4

mail message.

Handwritten box containing "RM" and "AM" scribbles.

Handwritten circled number "2".

1999 BILL

Handwritten box containing "RM NOT RUN".

Handwritten word "Regen".

1 AN ACT to renumber 134.72 (1) (a); to amend 134.72 (3) (a), 134.72 (3) (b),
2 767.265 (2r) and 968.01 (1); to repeal and recreate 134.72 (title); and to
3 create 134.72 (1) (ae) and 134.72 (2) (c) of the statutes; relating to: electronic
4 mail solicitations.

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Analysis by the Legislative Reference Bureau

This bill imposes certain requirements on "electronic mail solicitations", which are defined as unsolicited electronic mail messages that are sent for the purpose of encouraging the purchase of property, goods or services. Under the bill, a person may not make an electronic mail solicitation unless the person includes the letters "ADV" at the beginning of the message's subject. ~~The subject must also indicate that the electronic mail solicitation is not intended for minors if its purpose is to encourage the purchase of property, goods or services that may not be purchased by or provided to minors.~~ In addition, an electronic mail solicitation must include a statement at the beginning of the message that identifies a toll-free telephone number or return electronic mail address that the recipient may use to direct the sender not to make any other electronic mail solicitations. An employer may also use the telephone number or address to direct a person not to make electronic mail solicitations to electronic mail addresses that the employer provides for employees. If a recipient or

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employer makes such a direction, the bill prohibits a person from making other electronic mail solicitations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 134.72 (title) of the statutes is repealed and recreated to read:

134.72 (title) Telephone, facsimile and electronic mail solicitations.

SECTION 2. 134.72 (1) (a) of the statutes is renumbered 134.72 (1) (am).

SECTION 3. 134.72 (1) (ae) of the statutes is created to read:

134.72 (1) (ae) "Electronic mail solicitation" means an unsolicited electronic mail message that is sent for the purpose of encouraging a person to purchase property, goods or services.

SECTION 4. 134.72 (2) (c) of the statutes is created to read:

134.72 (2) (c) *Electronic mail solicitations.* 1. No person may make an electronic mail solicitation unless the person does all of the following:

a. Includes the letters "ADV" at the beginning of the subject of the electronic mail message.

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b. Establishes and maintains a toll-free telephone number or return electronic mail address that allows the recipient of the electronic mail solicitation to direct the person not to make any other electronic mail solicitation to the recipient.

c. Includes a statement at the beginning of the electronic mail solicitation that identifies the toll-free telephone number or return electronic mail address specified in subd. 1. b. and that notifies the recipient that the recipient may use the toll-free telephone number or return electronic mail address to direct the person not to make any other electronic mail solicitation to the recipient. A statement required under

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1 this subd. 1. c. shall be displayed in the same font size as the majority of the text in
2 the electronic mail solicitation.

3 ~~d. If the electronic mail solicitation is sent for the purpose of encouraging a
4 person to purchase property, goods or services that may not be purchased by or sold
5 or provided to a minor, indicates in the subject of the electronic mail message that
6 the electronic mail solicitation is not intended for minors.~~

7 2. A person may not make an electronic mail solicitation to a recipient of a prior
8 electronic mail solicitation made by the person if the recipient uses the toll-free
9 telephone number or return electronic mail address specified in subd. 1. b. to direct
10 the person not to make any other electronic mail solicitation to the recipient.

11 3. A person may not make an electronic mail solicitation to an electronic mail
12 address that an employer provides for an employe if the employer uses the toll-free
13 telephone number or return electronic mail address specified in subd. 1. b. to direct
14 the person not to make the electronic mail solicitation.

15 **SECTION 5.** 134.72 (3) (a) of the statutes is amended to read:

16 134.72 (3) (a) *Intrastate.* This section applies to any intrastate telephone
17 ~~solicitation or intrastate~~, facsimile or electronic mail solicitation.

18 **SECTION 6.** 134.72 (3) (b) of the statutes is amended to read:

19 134.72 (3) (b) *Interstate.* This section applies to any interstate telephone
20 ~~solicitation, or interstate~~, facsimile or electronic mail solicitation, received by a
21 person in this state.

22 **SECTION 7.** 767.265 (2r) of the statutes, as affected by 1997 Wisconsin Act 191,
23 section 414, is amended to read:

24 767.265 (2r) Upon entry of each order for child support, maintenance, family
25 support or support by a spouse and upon approval of each stipulation for child

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1 support, unless the court finds that income withholding is likely to cause the payer
2 irreparable harm or unless s. 767.267 applies, the court, family court commissioner
3 or county child support agency under s. 59.53 (5) shall provide notice of the
4 assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1) ~~(a)~~
5 (am), or other electronic means to the last-known address of the person from whom
6 the payer receives or will receive money. The notice shall provide that the amount
7 withheld may not exceed the maximum amount that is subject to garnishment under
8 15 USC 1673 (b) (2). If the department or its designee, whichever is appropriate, does
9 not receive the money from the person notified, the court, family court commissioner
10 or county child support agency under s. 59.53 (5) shall provide notice of the
11 assignment to any other person from whom the payer receives or will receive money.
12 Notice under this subsection may be a notice of the court, a copy of the executed
13 assignment or a copy of that part of the court order directing payment.

14 **SECTION 8.** 968.01 (1) of the statutes is amended to read:

15 968.01 (1) “Facsimile machine” has the meaning given in s. 134.72 (1) ~~(a)~~ (am).

16 (END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 4/12/99

To: Representative Foti

Relating to LRB drafting number: LRB-2290

Topic

Electronic email advertisements; warnings to minors

Subject(s)

Trade Regulation

1. **JACKET** the draft for introduction _____

in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mark D. Kunkel, Legislative Attorney
Telephone: (608) 266-0131